

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

YADIRA GALVAN as Special Administrator of  
the Estate of JAIME GALVAN, Deceased  
Plaintiff,

v.

UNKNOWN CITY OF CHICAGO POLICE  
OFFICERS,  
Defendants.

07CV5954  
JUDGE KENNELLY  
MAG. JUDGE MASON

NOTICE OF FILING AND CERTIFICATE OF SERVICE

TO: James D. Montgomery  
Cochran, Cherry, Givens, Smith, & Montgomery, L.L.C.  
1 North LaSalle Street  
Suite 2450  
Chicago, IL 60601

**FILED**

OCT 22 2007  
10-22-07

MICHAEL W. BOBBINS  
CLERK, U.S. DISTRICT COURT

PLEASE TAKE NOTICE that I have filed this day with the Clerk of the above Court a  
**NOTICE OF REMOVAL**, a copy of which is attached hereto and herewith served upon you.

I hereby certify that I have caused a true and correct copy of the above and foregoing  
**NOTICE OF FILING and NOTICE OF REMOVAL** to be sent via mail to the person in the  
foregoing Notice at the address therein shown, on this 22 day of October 2007.

DATED at Chicago, Illinois, this 22nd day of October 2007.

Respectfully submitted,  
MARA S. GEORGES  
Corporation Counsel for the City of Chicago

BY:

  
David J. Seery  
Chief Assistant Corporation Counsel

30 North LaSalle Street  
Suite 1020  
Chicago, IL 60602  
(312)744-9210  
Attorney No.06190904

**FILED**

OCT 22 2007  
10-22-07

**MICHAEL W. DOBBINS**  
**CLERK, U.S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

YADIRA GALVAN as Special Administrator of )  
the Estate of JAIME GALVAN, Deceased )  
Plaintiff, )

v. )

UNKNOWN CITY OF CHICAGO POLICE )  
OFFICERS, )  
Defendants. )

**07CV5954**  
**JUDGE KENNELLY**  
**MAG. JUDGE MASON**

**NOTICE OF REMOVAL**

The City of Chicago ("City"), by its attorney, Mara S. Georges, Corporation Counsel of the City of Chicago, on behalf of defendants, Unknown City of Chicago Officers, respectfully removes the above-entitled action to this Court, pursuant to 28 U.S.C. §1441(b) and (c), on the following grounds:

1. Plaintiff filed a civil action on or about September 17, 2007, in the Circuit Court of Cook County of the State of Illinois, Case Number 07 L 9741, entitled YADIRA GALVAN as Special Administrator of the Estate of JAIME GALVAN, Deceased v. UNKNOWN CITY OF CHICAGO POLICE OFFICERS. See complaint attached hereto as Exhibit A.

2. As of the date of this filing, by information and belief, none of the defendants have been properly served with the summons and complaint in this suit.

3. Plaintiff alleges that defendants violated his rights under the Fourth and Fourteenth Amendments to the United States Constitution.


4. It appears from the face of the Complaint that this is a civil rights action which arises under the United States Constitution and involves a federal question. The Complaint alleges, among other things, that defendants violated the rights of Plaintiff as guaranteed by the

Fourth and Fourteenth Amendments to the United States Constitution. Defendants are therefore entitled to remove this action to this Court, pursuant to 28 U.S.C. §1441(b) and (c).

WHEREFORE, defendant City of Chicago, on behalf of defendants, Unknown City of Chicago Officers, respectfully requests that the above-entitled action, which is now pending in the Circuit Court of Cook County in the State of Illinois, Case Number 07 L 9741, be removed to the United States District Court, Northern District of Illinois.

Respectfully submitted,  
MARA S. GEORGES  
Corporation Counsel for the City of Chicago

BY:

  
David J. Seery  
Chief Assistant Corporation Counsel

30 North LaSalle Street  
Suite 1020  
Chicago, IL 60602  
(312) 744-9210  
Attorney No. 06190904

2120 - Served  
2220 - Not Served  
2320 - Served by Mail  
2420 - Served by Publication  
SUMMONS

2121 - Served  
2221 - Not Served  
2321 - Served by Mail  
2421 - Served by Publication  
ALIAS - SUMMONS

(Rev. 3/21/95) CCG-1

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

YADIRA GALVAN, as Special Administrator of  
the Estate of JAIME GALVAN, Deceased,

Plaintiff,  
v.

UNKNOWN CITY OF CHICAGO POLICE OFFICERS,

Defendants

2007L009741  
CALENDAR/ROOM D  
TIME 00:00  
PI Other

No.

**PLEASE SERVE**  
City of Chicago  
c/o Edmund W. Kantor  
City Hall  
121 North Lasalle - Rm 107  
Chicago, IL 60602

**SUMMONS**

To each defendant: City of Chicago, c/o Edmund W. Kantor, City Hall, 121 North Lasalle, Rm 107 Chicago, Illinois 60602

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room 801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

There will be a fee of \$163.00 to file your Appearance, or you may present an Application to Sue or Defend as a Poor Person (form #CCG-19). If approved by the Presiding Judge, the fee will be waived.

SEP 17 2007  
WITNESS, DOROTHY BROWN, 2007

Cochran, Cherry, Givens, Smith, & Montgomery, L.L.C.  
Attorney for Plaintiff  
1 North Lasalle St., Suite 2450  
Chicago, Illinois 60602  
(312) 977-0200  
Firm I.D. 37432  
Service by facsimile will be accepted at (312) 977-0209

Date of service: \_\_\_\_\_, 2007  
(To be inserted by officer on copy left with  
defendant or other person)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

\* Law Division Room 801  
Chancery-Divorce Room 802  
County Division Room 801  
Probate Division Room 1202

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION

YADIRA GALVAN, as Special Administrator of )  
the Estate of JAIME GALVAN, Deceased, )

Plaintiff, )

v. )

UNKNOWN CITY OF CHICAGO POLICE )  
OFFICERS, )

Defendants. )

No.

2007L009741  
CALENDAR/ROOM D  
TIME 00:00  
PI Other

COMPLAINT

The Plaintiff, YADIRA GALVAN as Special Administrator of the Estate of JAIME GALVAN, Deceased, by and through her attorneys COCHRAN, CHERRY, GIVENS, SMITH & MONTGOMERY, LLC, complaining of the Defendants, UNKNOWN CITY OF CHICAGO POLICE OFFICERS, states as follows:

PARTIES

1. Plaintiff YADIRA GALVAN is the duly appointed Special Administrator of the Estate of JAIME GALVAN, deceased.

2. On information and belief, Defendants UNKNOWN CITY OF CHICAGO POLICE OFFICERS, are and at all relevant times were, citizens of the United States and residents of Cook County, Illinois.

3. On information and belief, Defendants UNKNOWN CITY OF CHICAGO POLICE OFFICERS, are, and at all times relevant were, sworn police officers of the City of Chicago, acting under color of state law.

07 SEP 17 PM 12:34  
CIRCUIT COURT OF COOK  
COUNTY, ILLINOIS  
LAW DIVISION  
RECEIVED  
CITY CLERKS OFFICE  
2007 SEP 26 AM 9:26

### FACTS

4. On February 9, 2006, at approximately 6:30 p.m., JAIME GALVAN was arrested and taken into custody. JAIME GALVAN was transported to the 15<sup>th</sup> police district of Chicago, Illinois for temporary detainment, arriving at approximately 6:50 p.m.

5. At approximately 8:30 p.m. on February 9, 2006, JAIME GALVAN was transported from the 15<sup>th</sup> district police station and arrived at 3340 W. Fillmore in Chicago, Illinois at approximately 8:40 p.m. JAIME GALVAN was secured in holding cell B.

6. At approximately 11:59 p.m. on February, 9, 2006, JAIME GALVAN was found unresponsive and deceased in his holding cell, with his body handcuffed to the prisoner rail.

7. Autopsy reports reveal that JAIME GALVAN's body contained injuries and marks consistent with his having been strangled.

8. Sometime between the hours of 6:30 p.m. and 11:59 p.m. on February, 9, 2006, Defendants UNKNOWN CITY OF CHICAGO POLICE OFFICERS strangled and/or exerted excessive physical force upon JAIME GALVAN, while in police custody, without proper cause or justification.

9. At all relevant times and in particular during the time JAIME GALVAN was detained and restrained by handcuffs, JAIME GALVAN presented no threat of imminent harm to Defendants UNKNOWN CITY OF CHICAGO POLICE OFFICERS or others.

10. Defendants' actions taken against JAIME GALVAN were made with malice and/or deliberate indifference and were unjustified, unreasonable, and grossly disproportionate to the actions of JAIME GALVAN, if any.

**COUNT I- 42 U.S.C. § 1983 EXCESSIVE FORCE**  
**(Defendant UNKNOWN CITY OF CHICAGO POLICE OFFICERS)**


1-10. Plaintiff re-alleges and incorporates by reference paragraphs 1-10 of this Complaint as though fully set forth herein.

11. By and through the above the above conduct, Defendants UNKNOWN CITY OF CHICAGO POLICE OFFICERS used and caused to be used unjustified force against JAIME GALVAN, deceased, and failed to intervene to prevent the unjustified use of force by their co-Defendants.

12. The conduct of Defendants, UNKNOWN CITY OF CHICAGO POLICE OFFICERS, as described above, was objectively unreasonable, constituted the use of excessive force, and deprived JAIME GALVAN of his rights as guaranteed him under the Fourth and Fourteenth Amendments to the United States Constitution.

WHEREFORE, Plaintiff YADIRA GALVAN, as Special Administrator of the Estate of JAIME GALVAN, deceased, prays for judgment in her favor and against Defendants, UNKNOWN CITY OF CHICAGO POLICE OFFICERS, in an amount in excess of the jurisdictional limit of this Court, for reasonable attorney fees and costs, and any additional relief as the Court shall deem just and proper.

Respectfully submitted,

  
\_\_\_\_\_  
One of Plaintiff's Attorneys

James D. Montgomery  
Marion V. Cruz  
**Cochran, Cherry, Givens, Smith & Montgomery, L.L.C.**  
One North LaSalle, Suite 2450  
Chicago, IL 60601  
(312) 977-0200; (312) 977-0209 fax  
Firm I.D. 37432